

Arezoo Jamshidi (Bar No. 284220)  
*ajamshidi@hbblaw.com*  
Jeffrey Kirwin (Bar No. 345781)  
*jkirwin@hbblaw.com*  
HAIGHT BROWN & BONESTEEL LLP  
*edocs@hbblaw.com*  
2030 Main Street, Suite 1525  
Irvine, California 92614  
Telephone: 714.426.4600  
Facsimile: 714.754.0826

Attorneys for Defendants THE GUILD LAW SCHOOL DBA  
PEOPLE'S COLLEGE OF LAW, JOSHUA GILLENS,  
WILLIAM MAESTAS, BOARD OF DIRECTORS FOR THE  
PEOPLE'S COLLEGE OF LAW, CHRISTINA MARIN  
GONZALEZ; ROGER ARAMAYO; ISMAIL VENEGAS;  
CLEMENTE FRANCO; HECTOR PENA; PASCUAL  
TORRES; CAROL DEUPREE; JESSICA VIRAMONTES;  
JUAN SARINANA; ADRIANA ZUNIGA; PREM SARIN;  
DAVID BOUFFARD; and HECTOR SANCHEZ

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

TODD R. G. HILL,  
Plaintiff,

v.

THE BOARD OF DIRECTORS,  
OFFICERS AND AGENTS AND  
INDIVIDUALS OF THE PEOPLES  
COLLEGE OF LAW; et al.

Defendants.

Case No. 2:23-cv-01298-JLS-BFMx

**DEFENDANTS' MOTION TO  
DISMISS PLAINTIFF'S FOURTH  
AMENDED COMPLAINT;  
DECLARATION OF JEFFREY  
KIRWIN**

Judge: Josephine L. Staton  
Magistrate: Brianna Fuller Mircheff

Hearing Judge: Brianna Fuller Mircheff  
Date: May 27, 2025  
Time: 10:00 a.m.

PLEASE TAKE NOTICE that on April 17, 2025, Defendants THE GUILD  
LAW SCHOOL DBA PEOPLE'S COLLEGE OF LAW, JOSHUA GILLENS,  
WILLIAM MAESTAS, BOARD OF DIRECTORS FOR THE PEOPLE'S  
COLLEGE OF LAW, CHRISTINA MARIN GONZALEZ, ROGER ARAMAYO,  
ISMAIL VENEGAS,; CLEMENTE FRANCO, HECTOR PENA, PASCUAL

1 TORRES, CAROL DEUPREE, JESSICA VIRAMONTES, JUAN SARINANA,  
2 AND JOSHUA GILLEN (hereinafter collectively referred to as “Defendants”)<sup>1</sup>  
3 move to dismiss with prejudice Plaintiff’s Fourth Amended Complaint as docket  
4 257 served on April 3, 2025 and the Entire Action.<sup>2</sup>

5 The motion is based on this notice, the attached memorandum of points and  
6 authorities, declaration of Jeffrey Kirwin, and any other matters submitted by the  
7 moving party.

8 The motion is on the grounds that the Fourth Amended Complaint violates  
9 Federal Rule of Civil Procedure 8. Moreover, Plaintiff fails to state a cause of action  
10 against Defendants in his Fourth Amended Complaint. Therefore, the Court should  
11 dismiss the Fourth Amended Complaint with prejudice under Rules 8, 12(b)(6) and  
12 41(b).

13 **STATEMENT RE CONFERENCE PURSUANT TO LOCAL RULE 7-3.**

14 Defendants received electronic service of Plaintiff TODD HILL’s  
15 (“Plaintiff”) Fourth Amended Complaint on April 3, 2025. [Declaration of Jeffrey  
16 Kirwin (hereinafter “Kirwin Decl.”) ¶ 2.] On April 7, 2025, counsel for Defendants  
17 requested to meet and confer with Plaintiff pursuant to Local Rule 7-3. [Kirwin  
18 Decl. ¶ 3.] However, Plaintiff declined to meet and confer with Defendants. [Kirwin  
19 Decl. ¶ 3.] Instead, Plaintiff responded on the same date with a “non-negotiable” list  
20 of information which Defendants had to provide to Plaintiff before he would  
21 telephonically meet and confer. [Kirwin Decl. ¶ 3.] The list of information required  
22 providing Plaintiff with detailed legal grounds, factual basis, specific relief sought,  
23

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24 <sup>1</sup> Counsel also represents Gary Silbiger and Edith Pomposo, but Plaintiff has  
25 failed to serve these individuals. Therefore, they are not included in this dismissal  
26 motion.

27 <sup>2</sup> Defendants note that Plaintiff filed two Fourth Amended Complaints at  
28 Dockets 255 and 257. Defendants seek to dismiss the most recent filing at Docket  
257.

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1 and proposed stipulations. [Kirwin Decl. ¶ 3.] Counsel for Defendants declined to  
2 provide the requisite information as such is not necessary by the local rules and  
3 could be accomplished through a telephone conference. Plaintiff re-stated he would  
4 only meet and confer “if and when” Defendants provided the information to him.  
5 [Kirwin Decl. ¶ 4.] Therefore, Defendants tried to satisfy the Court’s meet and  
6 confer requirement but Plaintiff declined to do so.

7 Notably, Plaintiff has continually tried to use the tactic of requiring a detailed  
8 outline prior to agreeing to telephonically meet and confer to prevent Defendants  
9 from meeting and conferring with Plaintiff within the Court’s time limits so he can  
10 oppose Defendants’ motions on the grounds they failed abide by the meet and  
11 confer requirement. For example, between August 29 to September 3, 2024, counsel  
12 for Defendants attempted to meet and confer with Plaintiff regarding the dismissal  
13 of his Third Amended Complaint. [Kirwin Decl. ¶ 5.] Plaintiff demanded a detailed  
14 outline prior to meeting and conferring with Defendants. [Kirwin Decl. ¶ 5.] Even  
15 after counsel for Defendant provided the outline, he alleged it was not detailed  
16 enough despite Defendants filing several motions to dismiss Plaintiff’s complaints  
17 on the same grounds. [Kirwin Decl. ¶ 5.]

18 It is clear that Plaintiff is preventing Defendants from satisfying the meet and  
19 confer obligation so that he can dispute the validity of their motions without  
20 addressing the substantive arguments raised therein. Such tactics are inappropriate.  
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1 DATED: April 17, 2025

HAIGHT BROWN & BONESTEEL LLP

2  
3  
4 By: /s/ Arezoo Jamshidi

Arezoo Jamshidi

Jeffrey Kirwin

Attorneys for Defendants THE GUILD

LAW SCHOOL DBA PEOPLE'S

COLLEGE OF LAW, JOSHUA

GILLENS, WILLIAM MAESTAS,

BOARD OF DIRECTORS FOR THE

PEOPLE'S COLLEGE OF LAW,

CHRISTINA MARIN GONZALEZ;

ROGER ARAMAYO; ISMAIL

VENEGAS; CLEMENTE FRANCO;

HECTOR PENA; PASCUAL TORRES;

CAROL DEUPREE; JESSICA

VIRAMONTES; JUAN SARINANA;

ADRIANA ZUNIGA; PREM SARIN;

DAVID BOUFFARD; and HECTOR

SANCHEZ

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

In his Fourth Amended Complaint, Plaintiff Todd Hill (“Plaintiff”) pleads four causes of action against several parties arising from his time as a student at THE GUILD SCHOOL OF LAW DBA PEOPLE’S COLLEGE OF LAW (“PCL”). Plaintiff has been afforded six opportunities to draft and file a complaint that complies with the Federal Rules of Civil Procedure. Defendants previous motions to dismiss have provided feedback to Plaintiff, not only as to why his complaints were deficient, but also specific problems with specific claims and specific defendants. The Court has even provided reports and recommendations explaining the deficiencies of the complaints to Plaintiff. Yet, Plaintiff consistently files complaints that repeatedly fail to correct the deficiencies.

Plaintiff’s Fourth Amended Complaint exhibits the same errors in Plaintiff’s prior pleadings. The Fourth Amended Complaint violates Rule 8. It is 181 pages long with 287 paragraphs that Plaintiff routinely cross-references and incorporates by reference throughout the Complaint. Moreover, the Fourth Amended Complaint is unclear as to what causes of action are alleged against each Defendant, so Defendants are left guessing as to what causes of action are plead against them. Plaintiff also failed to properly define the terms “The Board of Directors,” “Officers” or “Agents of the Peoples College of Law.” The definitions do not identify which Defendants are included in the definition for each term so Defendants are again left to guess at whether certain causes of action are plead against them.

Moreover, the Fourth Amended Complaint, like the Third Amended Complaint, fails to state a claim against Defendants. The first cause of action for RICO violations fails to allege there was an enterprise, and the allegations included in the cause of action do not meet the heightened pleading standard for racketeering activity. Plaintiff’s second cause of action for violations of the Unruh Civil Rights Act fails because it does not provide nonconclusory allegations that Defendants

1 acted with discriminatory intent. The third and fourth cause of action for negligence  
2 and negligent hiring, retention, and supervision do not properly identify which  
3 Defendants the causes of action are plead against and what laws the possible  
4 Defendants violated.

5 Thus, the Court should dismiss Plaintiff's Fourth Amended Complaint with  
6 prejudice.

7 **II. PROCEDURAL BACKGROUND**

8 On February 20, 2023, Plaintiff filed his initial Complaint. [Dkt. No. 1.] On  
9 April 5, 2023, the Court issued an order, on its own motion, dismissing the Complaint  
10 for violation of F.R.C.P. 8(a) and (d), with leave to amend. [Dkt No. 37.] The order  
11 explains in detail why the Complaint was improper, how it violated the Federal Rules,  
12 and why it must be dismissed. On April 18, 2023, Plaintiff filed a First Amended  
13 Complaint. [Dkt. No. 38.]

14 On May 5, 2023, Plaintiff filed a document entitled "A Motion for Leave to  
15 Supplement Todd R. G. Hill's First Amended Complaint," and attached a proposed  
16 "Supplemental First Amended Complaint." [Dkt. No. 40.] The "Supplemental First  
17 Amended Complaint" was 114 pages, with no exhibits, but referred to the same  
18 exhibits as the First Amended Complaint. [Dkt. No. 40.]

19 On June 7, 2023, the Court issued an order that denied Plaintiff's Motion for  
20 Leave to Supplement the First Amended Complaint and dismissed the First Amended  
21 Complaint with leave to amend. [Dkt. No. 45.] The order explained in detail why the  
22 First Amended Complaint was improper, how it violated the Federal Rules of Civil  
23 Procedure and this Court's Local Rules, and why it must be dismissed. The Court  
24 provided Hill 21 days to file his Second Amended Complaint and requested that the  
25 complaint "contain 'short and plain statement' of claim or claims for relief, setting  
26 forth, in straightforward fashion, the facts supporting each claim." [*Id.*] Plaintiff failed  
27 to file a Second Amended Complaint within 21 days of the Court's order. On July 27,  
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2023, the Court issued a Judgment of Dismissal for failure to file a Second Amended Complaint within the 21 days allotted. [Dkt. No. 47.]

Over a month later, on September 7, 2023, Plaintiff filed a “Motion for Leave to File a Second Amended Complaint and to Set Aside Judgment of Dismissal” [Dkt. No. 48]; and filed a Second Amended Complaint, even though Plaintiff’s Motion for Leave to File a Second Amended Complaint had not been granted or even ruled on, and the Judgment of Dismissal had not been set aside. [Dkt. No. 49.]

On September 18, 2023, the Court issued an order striking the Second Amended Complaint. [Dkt. No. 51.] In addition, the Court issued an order granting Plaintiff’s motion to set aside the dismissal and ordering Plaintiff to file an amended complaint within 14 days of the order. [Dkt. No. 54.] Two days later, on September 20, 2023, Plaintiff filed the Second Amended Complaint. [Dkt. No. 55.]

Defendants moved to dismiss the Second Amended Complaint for (again) violating Rule 8. [Dkt. Nos. 78, 110.] On April 23, 2024, Magistrate Judge Brianna Fuller Mircheff filed an Interim Report and Recommendation of United States Magistrate Judge (the, “Report”). The Report recommended Plaintiff’s Second Amended Complaint be dismissed. Notably, the Magistrate Judge recommended the SAC be dismissed because it failed to comply with FRCP 8. The Report explained:

The 121-page SAC, like the First Amended Complaint (see ECF 45 at 8-9 (discussing same)), is excessively long and often confusing. Indeed, the SAC is almost fifty pages *longer* than the First Amended Complaint – a complaint that the District Judge described as excessively prolix. Moreover, despite the District Judge’s prior warnings, the SAC continues to exhibit the landmarks of a “shotgun pleading.” The Court thus agrees with Defendants that dismissal under Rule 8 is once again appropriate.

[Dkt. No. 133.]

On August 12, 2024, this Court accepted the Report and Recommendation filed by Magistrate Judge Brianna Fuller Mircheff. The Court ordered the following: (1) dismissed the Second Amended Complaint in its entirety for failure to comply with Rule 8; (2) dismissed with prejudice all of Plaintiff’s claims against the State

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1 Bar and its committees or departments because these Defendants have Eleventh  
2 Amendment immunity (except for Plaintiff's Twelfth and Thirteenth Causes of  
3 Action based only on Title IX); (3) dismissed with prejudice all of Plaintiff's claims  
4 against the individual State Bar Defendants in their official capacity (except  
5 Plaintiff's Twelfth and Thirteenth Causes of Action based only on Title IX and  
6 Sixth and Seventh Causes of Action to the extent those claims may seek declaratory  
7 or injunctive relief); (4) dismissed with prejudice Plaintiff's Sixth Cause of Action  
8 to the extent it seeks Federal Bar admission; (5) dismissed with prejudice Plaintiff's  
9 Fourteenth, Fifteenth and Sixteenth Cause of Action under 18 U.S.C. §§ 241, 242  
10 and 245 because there is no private right of action under those statutes; and (6)  
11 dismissed with prejudice Defendants office of Chief Trial Counsel, Board of  
12 Trustees, Office of Admissions and Office of General Counsel. [Dkt. No. 145.]

13 On August 21, 2024, Plaintiff filed his Third Amended Complaint. All  
14 Defendants filed motions to dismiss the Third Amended Complaint. The Magistrate  
15 Judge issued a report and recommendation to dismiss Plaintiff's Third Amended  
16 Complaint for failure to state a federal cause of action against any Defendant.  
17 Specifically, the report stated "[n]one of the federal causes of action are supported  
18 by plausible factual allegations giving rise an inference of liability." [Dkt. No. 213  
19 at 14:16-18.] The recommendation included a dismissal without leave to amend for  
20 the first, third, fifth, and eighth causes of action against Defendants and the State  
21 Bar defendants. The recommendation dismissed the remaining causes of action for  
22 RICO violations and state law claims without leave to the State Bar defendants, but  
23 allowed Plaintiff leave to amend as to Defendants and defendant Ira Spiro. [Dkt. No.  
24 213.]

25 The Court accepted the Magistrate Judge's report and recommendation on  
26 March 27, 2025. The Court ordered Plaintiff's Third Amended Complaint be  
27 dismissed. The order noted the complaint failed to state a cause of action against  
28

Defendants. The order also precluded Plaintiff from pleading causes of action other than the RICO cause of action and state claims. [Dkt. No. 248.]

Plaintiff subsequently filed his Fourth Amended Complaint within the time provided by the Court. [Dkt. Nos. 255, 257.]

### **III. ARGUMENT**

#### **A. Authority for Dismissal.**

This Court has the authority to dismiss the Fourth Amended Complaint with prejudice. Pursuant to Federal Rule of Civil Procedure 12(b)(6), a dismissal under Rule 8 “applies to good claims as well as bad, and is a basis for dismissal independent of Rule 12(b)(6).” *McHenry v. Renne*, 84 F.3d 1172, 1179 (9th Cir. 1996). Furthermore “[a] complaint which fails to comply with rules 8(a) and 8(e) may be dismissed with prejudice pursuant to rule 41(b).” *Nevijel v. North Coast Life Ins. Co.*, 651 F.2d 671, 673 (9th Cir. 1981) (internal citations omitted). As this Court noted in its order denying Plaintiff leave to “Supplement” the First Amended Complaint, the Court has the authority to dismiss a complaint *sua sponte* where that complaint does not comply with Rule 8. [Dkt. No. 45, p. 6.]

In addition to the above, Local Rules provide the Court with grounds to grant this Motion. Local Rule 83-2.2.3 states that “[a]ny person appearing *pro se* is required to comply with...the [Federal Rules of Civil Procedure].” The fact that Plaintiff is appearing *pro se* does not excuse his failure to comply with Federal rules governing the pleadings. In addition, Local Rule 83-2.2.4 states that “[f]ailure to comply with the rules enumerated in L.R. 83-2.2.3 may be grounds for dismissal or judgment by default.”

The authority of the Court to dismiss a complaint for its failure to meet the basic pleading standards enumerated by Federal Rule of Civil Procedure 8 cannot be contested. Accordingly, this Court has the authority to dismiss the Fourth Amended Complaint for its failure to comply with Rule 8.

1        Additionally, Rule 12(b)(6) authorizes dismissal of a pleading for “failure to  
2 state a claim upon which relief can be granted.” “A Rule 12(b)(6) dismissal may be  
3 based on either a ‘lack of cognizable legal theory’ or ‘the absence of sufficient facts  
4 alleged under a cognizable legal theory.’” *Johnson v. Riverside Healthcare Sys., LP*,  
5 534 F.3d 1116, 1121 (9th Cir. 2008) (citation omitted). To survive a motion to  
6 dismiss, a plaintiff must allege “enough facts to state a claim to relief that is plausible  
7 on its face[.]” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A plaintiff  
8 must thus allege facts that consist of “more than a sheer possibility that a defendant  
9 has acted unlawfully.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The allegations  
10 must contain “more than labels and conclusions, and a formulaic recitation of the  
11 elements of a cause of action will not do.” *Twombly*, 550 U.S. at 555. Instead, a  
12 plaintiff must allege facts sufficient to “raise a right to relief above the speculative  
13 level.” *Id.* While a court must accept the allegations of the complaint as true and  
14 construe the pleading in the light most favorable to the plaintiff, the “court is not  
15 required to accept legal conclusions cast in the form of factual allegations if those  
16 conclusions cannot reasonably be drawn from the facts alleged.” *Clegg v. Cult*  
17 *Awareness Network*, 18 F.3d 752, 754-55 (9th Cir. 1994).

18        Where a plaintiff cannot recover damages or other relief as a matter of law, the  
19 proper procedural vehicle to dismiss the requested remedy is a motion under Rule  
20 12(b)(6) rather than a motion to strike under Rule 12(f). *See Whittlestone, Inc. v.*  
21 *Handi-Craft Co.*, 618 F.3d 970, 974-45 (9th Cir. 2010); *Orozco v. Vivint, Inc.*, 2021  
22 WL 1153032, at \*3 (C.D. Cal. Feb. 19, 2021).

23        When amendment of a complaint would be futile, as it would be here, it is  
24 appropriate for the district court to dismiss the complaint with prejudice. *See, e.g.,*  
25 *Curry v. Yelp Inc.*, 875 F.3d 1219, 1228 (9th Cir. 2017).

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**B. The Fourth Amended Complaint Violates Federal Rules of Civil  
Procedure Rule 8.**

Plaintiff's Fourth Amended Complaint, like his four prior complaints, violates Federal Rule of Civil Procedure 8(a) and the local rules. Pursuant to Federal Rules of Civil Procedure Rule 8, a pleading stating a claim for relief requires three things: (1) "a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;" (2) "**a short and plain statement** of the claim showing the pleader is entitled to relief; and (3) a demand for relief sought, which may include relief in the alternative or different types of relief." (Emphasis added.)

Plaintiff's Fourth Amended Complaint is neither short nor plain. Rather, the complaint is 63 pages with 287 paragraphs and an additional 119 pages of exhibits. The first cause of action alone has 62 paragraphs and reincorporates by reference nearly all of the 87 preceding paragraphs. [*Id.* at ¶ 92.] The allegations are jumbled among the pages and vary between purported historical facts, speculations, and conclusory assertions about a number of named defendants. The allegations in the Fourth Amended Complaint are so convoluted, verbose, and confusing that no reasonable defendant would know exactly what they were responding. As stated by the court in *Hearns v. San Bernardino Police Dep't*, dismissal under Rule 8 is used in "those instances in which the complaint is so verbose, confused and redundant that its true substance, if any, is well disguised." 530 F.3d 1124, 1131 (9th Cir. 2017) (citation and quotations omitted).

Rule 9(b) "does not allow a complaint to ... lump multiple defendants together but require[s] plaintiffs to differentiate their allegations when suing more than one defendant." *Cisneros v. Instant Capital Funding Grp., Inc.*, 263 F.R.D. 595, 606–07 (E.D.Cal.2009) (quoting *Swartz v. KPMG LLP*, 476 F.3d 756, 764–65 (9th Cir.2007) (internal quotation marks omitted)). Plaintiff here continues to use the shotgun pleading style that the Court criticized in its denial of Plaintiff's request to

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1 supplement the First Amended Complaint and the Magistrate Judge’s Report and  
2 Recommendation as to Plaintiff’s Second Amended Complaint. [Dkt. No. 45, p. 5-6;  
3 No. 132, pp. 9-10.] Despite being previously warned against the practice, Plaintiff  
4 incorporates by reference numerous prior paragraphs into his causes of action. The  
5 incorporated paragraphs often do not apply to the cause of action and prevent  
6 Defendants from determining what alleged conduct gave rise to the causes of action.  
7 For example, Plaintiff’s Fourth Amended Complaint states:

8 Plaintiff re-alleges and incorporates by reference each allegation  
9 contained in Paragraphs 33-84, focusing on the facts that demonstrate  
10 the pattern of racketeering activity, including wire and mail fraud (see  
11 ¶¶ 33, 35, 37, 38, 41, 42, 76, 84), systematic misrepresentation and  
12 fraudulent schemes (¶¶ 33-40, 42-44, 46-57, 76, 84), institutional  
13 failure and facilitated fraud (¶¶ 35, 37, 39, 41, 43, 46, 47, 49-57, 76,  
14 84), and the financial and emotional damages suffered by the Plaintiff  
15 as a direct result (see ¶¶ 33-84, 76, 84). Because the fraudulent actions  
16 were carried out through electronic communications and postal  
17 services, they are alleged to meet the definition of predicate acts under  
18 RICO. (Plaintiff’s FAC at 20:1-11)

19 Later, Plaintiff incorporates paragraphs 1-121 for his second cause of action.  
20 [Id. at ¶ 152.] Despite the Court’s prior admonition, Plaintiff defiantly repeats this  
21 practice of incorporating paragraphs that precede it in his FAC. [Id. at ¶¶ 92, 152,  
22 168, 210i, and 219.]

23 Additionally, under the first cause of action for RICO, Plaintiff alleges that the  
24 Fourth Amended Complaint adheres to the heightened pleading standards for  
25 racketeering and that each act is detailed with specificity in paragraphs 33-84. [Id. at  
26 ¶ 89.] However, these paragraphs barely mention five of the individual defendants  
27 [see id. at ¶¶ 37, 52, 62 and 75] and are styled full of “everyone did everything.” [See  
28 id. at ¶¶ 33-84.] Additionally, under the RICO cause of action, Plaintiff consistently  
uses the term “Defendants” to describe the racketeering activity. [See id. at ¶¶ 91, 94,  
98, 100, 101, 102, 108, 109, 112, 122, 128, etc...] Indeed, these “everyone did  
everything” allegations must be dismissed for violating Rule 8. *Destfino v. Reiswig*,  
630 F.3d 952, 958 (9th Cir. 2011) (Ninth Circuit affirmed district court ruling  
dismissing complaint that grouped multiple defendants together under fraud cause of



1 action where the complaint failed to “set out which of the defendants made which of  
2 the fraudulent statements/conduct”).

3 Further, and importantly, the Fourth Amended Complaint is unclear as to which  
4 individuals are named in the complaint and which causes of action are against which  
5 defendants. For example, three individual defendants, Prem Sarin, Edith Pomposo  
6 and Ismael Venegas, are listed as a defined defendant party [see ¶¶ 8, 16 & 20]. But  
7 no cause of action is asserted against them. [See Fourth Amended Complaint, pp. 18,  
8 40, 45 and 58.] Plaintiff also fails to list Viramontes as a defined and named defendant  
9 party, yet includes Viramontes in the first and third causes of action. [*Id.* at pp. 18 and  
10 45.]

11 Additionally, Plaintiff’s definition of terms, or lack thereof, adds to the  
12 considerable confusion of which causes of action are against which defendants.  
13 Specifically, Plaintiff defines “The Board of Directors” as PCL’s “governing body . .  
14 . responsible for overall management and strategic decision.” Plaintiff defines  
15 “Officers” as “individuals holding executive positions within the institution, including  
16 roles such as President, Dean, and other senior administrators.” Plaintiff also defines  
17 “Agents of the Peoples College of Law” as “individuals or entities acting on behalf  
18 of or under the institution’s authority, including faculty, staff, and contractors.”  
19 However, the defined terms do not state which *specific* named Defendants are  
20 included within each term.

21 Furthermore, although Plaintiff defines these three terms, Plaintiff does not  
22 list the entity “The Board of Directors, Officers and Agents of the Peoples College  
23 of Law” as a party defendant in the Fourth Amended Complaint. [See ¶¶ 2-25.] Yet,  
24 Plaintiff’s third cause of action for negligence and negligence per se references  
25 PCL’s “Board of Directors.” [See Fourth Amended Complaint, p. 45, above ¶ 167.]  
26 Further, Plaintiff’s fourth cause of action references “The Board of Directors,  
27 Officers, and Agents of the Peoples College of Law.” [See Fourth Amended  
28

1 Complaint, p. 58, above ¶ 210.] It is unclear which individual defendants should be  
2 included in these definitions and therefore the cause of action.

3 To add to the confusion, Plaintiff's third and fourth causes of action also lists  
4 individuals that would presumably be included in these definitions. For example, the  
5 fourth cause of action for negligent hiring, retention, and supervision includes both  
6 "The Board of Directors" and specifically "Hector Pena" (a former President and  
7 Board Treasurer). Presumably, by naming the "Board of Directors, Officers and  
8 Agents," Pena would have already been included in this cause of action as he was on  
9 a former President and Board Treasurer. Thus, the non-specified individual  
10 Defendants are left unable to determine whether that cause of action is plead against  
11 them.

12 To further compound the uncertainty, Plaintiff also defined "Defendants"  
13 within his first cause of action. [Fourth Amended Complaint, ¶ 104.] Again, he  
14 failed to identify the specific named individual defendants included in that  
15 definition. Given that he used the word "Defendants" throughout his Fourth  
16 Amended Complaint, the named defendants cannot determine whether all or specific  
17 causes of action are being plead against them. This is particularly confusing for the  
18 second cause of action, which only lists "The Peoples College of Law" as a  
19 defendant [see p. 40, above ¶ 151]. But Plaintiff uses the term "Defendants"  
20 throughout this cause of action. [See e.g., ¶ 151 ("This cause of action arises from  
21 Defendants' violation of the Unruh Civil Rights Act. . . .").] Yet again, the non-  
22 specific individual Defendants are unable to determine whether the second cause of  
23 action is plead against them.

24 This problem is also exacerbated by the fact that Plaintiff alleges that  
25 "Defendants refers to all named defendant natural persons . . ." [FAC, ¶ 104.] If these  
26 individual defendants are being sued in their individual capacities, the individual  
27 Defendants can only assume they are not being sued in their capacity as the Board of  
28

1 Directors, Officers or Agents of the Peoples College of Law. Thus, Plaintiff's claims  
2 that the individual Defendants are included as the Board of Directors is nonsensical.

3 Indeed, based on the verbose and confusing nature of the FAC, Plaintiff has  
4 clearly violated Rule 8.

5 **C. Plaintiff Fails to State a Claim Against Defendants.**

6 The Court should dismiss the Fourth Amended Complaint based on Plaintiff's  
7 violation of Rule 8. Nevertheless, the Fourth Amended Complaint should also  
8 dismissed for failure to state a claim against Defendants. Indeed, each and every cause  
9 of action has deficiencies that warrant dismissal without prejudice under Rule  
10 12(b)(6).

11 **1. First Cause of Action – RICO Claim**

12 Plaintiff appears to plead this cause of action against Defendants, Sarinana,  
13 Bouffard, Viramontes, Pena, Spiro, Gillens, Gonzalez, Torres, Aramayo, Sanchez,  
14 Zuniga, Maestas, and Franco. Defendants Venegas, Viramontes, and PCL are not  
15 mentioned. Plaintiff pleads a RICO claim under 18 U.S.C. § 1962(c).<sup>3</sup> Plaintiff  
16 generally alleges Defendants engaged in racketeering activity by sending false or  
17 inaccurate transcripts, misrepresenting accreditation status, and disseminating false  
18 financial solvency statements. Plaintiff fails to state a cause of action for RICO  
19 against Defendants much less meet the heightened pleading standards as required by  
20 law.

21 A civil cause of action RICO must allege: “(1) conduct (2) of an enterprise (3)  
22 through a pattern (4) of racketeering activity (known as ‘predicate acts’) (5) causing  
23 injury to plaintiff’s ‘business or property.’” *Living Designs, Inc. v. E.I. Dupont de*  
24

25 <sup>3</sup> This section states “It shall be unlawful for any person employed by or  
26 associated with any enterprise engaged in, or the activities of which affect, interstate  
27 or foreign commerce, to conduct or participate, directly or indirectly, in the conduct  
28 of such enterprise’s affairs through a pattern of racketeering activity or collection of  
unlawful debt.”

1 *Nemours and Co.*, 431 F.3d 353, 361 (9th Cir 2005) (internal citation omitted). The  
2 enterprise may be a legal entity or an association in fact. *Doan v. Singh*, 617 F.  
3 App’x. 684, 686 (9th Cir. 2015). Plaintiff alleges that the individual defendants  
4 operated as an associated-in-fact enterprise. As stated by the Court, “[t]o allege an  
5 association-in-fact, the complaint must describe “‘a group of persons associated  
6 together for a common purpose of engaging in a course of conduct[ ]’ ... [and] must  
7 provide both ‘evidence of an ongoing organization, formal or informal,’ and  
8 ‘evidence that the various associates function as a continuing unit.’” *Id.* at 686  
9 (quoting *United States v. Turkette*, 452 U.S. 576, 583, 101 S.Ct. 2524, 69 L.Ed.2d  
10 246 (1981) and *Odom v. Microsoft Corp.*, 486 F.3d 541, 551 (9th Cir.2007)).

11 “‘A “pattern” of racketeering activity also requires proof that the racketeering  
12 predicates are [1] related and [2] ... amount to or pose a threat of continued criminal  
13 activity.’” *Best Deals on TV, Inc. v. Naveed*, C 07-1610 SBA, 2007 WL 2825652,  
14 \*5 (N.D. Cal. Sept. 26, 2007) (quoting *Turner v. Cook*, 362 F.3d 1219, 1229 (9th  
15 Cir. 2004)). “The ‘related to’ requirement is satisfied if the alleged acts ‘have the  
16 same or similar purposes, results, participants, victims, or methods of commission,  
17 or otherwise are interrelated by distinguishing characteristics and are not isolated  
18 events.’ ” *Id.* (quoting *H.J. Inc. v. Northwestern Bell Tel. Co.*, 492 U.S. 229, 240  
19 (1989)). “In turn, ‘to satisfy the continuity requirement, [a complainant] must prove  
20 either a series of related predicates extending over a substantial period of time, i.e.,  
21 closed-ended continuity, or past conduct that by its nature projects into the future  
22 with a threat of repetition, i.e. open-ended continuity.’” *Steam Press Holdings, Inc.*  
23 *v. Hawaii Teamsters and Allied Workers Union, Local 996*, 302 F.3d 998, 1011 (9th  
24 Cir. 2002) (quoting *Howard v. America Online Inc.*, 208 F.3d 741, 750 (9th Cir.  
25 2000)); see also *Naveed*, 2007 WL 2825652 at \*5 (“Closed-ended continuity exists  
26 when there is ‘a series of related predicates extending over a substantial period of  
27 time.’ ... Open-ended continuity requires ‘past conduct that by its nature projects  
28 into the future with a threat of repetition’ or constitute the enterprise’s ‘regular way

1 of doing business,’ ” quoting *H.J. Inc.*, 492 U.S. at 241-42; *Allwaste, Inc. v. Hecht*,  
2 65 F.3d 1523, 1528 (9th Cir. 1995)).

3 Plaintiff’s paragraphs under the first cause of action and the incorporated  
4 paragraphs generally allege that Defendants sent false or inaccurate transcripts,  
5 misrepresented accreditation status, and disseminated false financial solvency  
6 statements. However, none of the allegations state, allege, or otherwise provide that  
7 the Defendants were working together in concert for a common goal. Additionally,  
8 Plaintiff has not adequately pled the relationship between acts required to show a  
9 pattern of racketeering activity.

10 The RICO cause of action also fails because Plaintiff did not meet the  
11 heightened pleading standard for the racketeering activity. For that element, Plaintiff  
12 “must state the time, place, and specific content of the false representations as well  
13 as the identities of the parties to the misrepresentation.” *Odom*, 486 F.3d at 553-56.  
14 The majority of the allegations do not identify any individuals, dates, or  
15 misrepresentations. The allegations which do name individual Defendants are  
16 conclusory and fail to identify the false representations or the identity of the parties  
17 to the misrepresentation. For example, Plaintiff realleged and incorporated by  
18 reference “each allegation contained in Paragraphs 33-84, focusing on the facts that  
19 demonstrate the pattern of racketeering activity.” [Fourth Amended Complaint, ¶  
20 92.] These paragraphs barely mention five of the individual defendants [*see id.* at ¶¶  
21 37, 52, 62 and 75] and certainly to do describe the time, place and specific content  
22 of false representations that is required to allege a RICO claim. *Odom*, 486 F.3d at  
23 553-56. Additionally, none of the paragraphs entitled “Pattern of Racketeering  
24 Activity” provide allegations to meet RICO’s heightened pleading standards. [See  
25 Fourth Amended Complaint, ¶¶ 91, 102, 105 and 116.]

26 Plaintiff also fails to state a claim under the RICO cause of action because he  
27 did not plead an injury to his business or property. To have standing under §  
28 1964(c), a civil RICO plaintiff must show: (1) that his alleged harm qualifies as

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1 injury to his business or property; and (2) that his harm was “by reason of” the  
2 RICO violation, which requires the plaintiff to establish proximate causation.  
3 *Canyon Cnty. v. Syngenta Seeds, Inc.*, 519 F.3d 969, 972 (9th Cir. 2008). A plaintiff  
4 does not state a RICO claim if he “mere[ly] [alleges] injury to a valuable intangible  
5 property interest.” *Oscar v. Univ. Students Co-Operative Ass’n*, 965 F.2d 783, 785  
6 (9th Cir. 1992) (en banc). The Ninth Circuit requires that a plaintiff asserting injury  
7 to property allege “concrete financial loss.” *Oscar v. Univ. Students Coop. Ass’n*,  
8 965 F.2d at 785. “Financial loss alone, however, is insufficient.” *Canyon Cnty*, 519  
9 F.3d at 975 (italics added). “Without a harm to a specific business or property  
10 interest—a categorical inquiry typically determined by reference to state law—there  
11 is no injury to business or property within the meaning of RICO.” *Diaz v. Gates*,  
12 420 F.3d 897, 900 (9th Cir.2005) (en banc), cert. denied, 546 U.S. 1131, 126 S.Ct.  
13 1069, 163 L.Ed.2d 928 (2006).

14 Here, Plaintiff has not alleged or shown he has suffered concrete financial  
15 loss to a specific business or property interest. Most of Plaintiff’s allegations merely  
16 conclude he suffered intangible damages like lost career opportunities, professional  
17 harm and emotional distress. [Fourth Amended Complaint ¶¶ 131, 144, 145, 148.]  
18 Plaintiff also alleges that he was prevented from obtaining his degree, which caused  
19 him financial harm and that he made financial expenditures on tuition and related  
20 costs under false pretenses. [*Id.* at ¶¶ 145, 148.] However, these alleged financial  
21 losses alone are not sufficient. *Canyon Cnty*, 519 F.3d at 975-76 (allegation that  
22 County was forced to spend millions of dollars for health care services insufficient  
23 to establish standing under RICO).

24 Thus, Plaintiff failed to plead a RICO cause of action. The cause of action  
25 was Plaintiff’s only federal cause of action, so it and the remainder of the state  
26 causes of action must be dismissed. *See Wren v. Sletten Const. Co.*, 654 F.2d 529,  
27 536 (9th Cir. 1981) (“When the state issues apparently predominate and all federal  
28 claims are dismissed before trial, the proper exercise of discretion requires dismissal



1 of the state claim.”); *Ismail v. Cnty. Of Orange*, 917 F. Supp. 2d 1060, 1072 (C.D.  
2 Cal. 2012) (noting that state-law claims “should” be dismissed if all the federal  
3 claims have been dismissed).<sup>4</sup>

4 **2. Second Cause of Action - Violation of Unruh Civil Rights Act**

5 Plaintiff asserts his second cause of action against PCL only and alleges that  
6 PCL discriminated against Plaintiff on the basis of his race. [Fourth Amended  
7 Complaint ¶ 151.] The cause of action alleges the discrimination resulted in unequal  
8 treatment and harm to Plaintiff’s educational and career opportunity. Plaintiff fails  
9 to state a cause of action for violation of the Unruh Civil Rights Act.

10 This cause of action required Plaintiff to plead the following: (1) Defendant  
11 discriminated or made a distinction that denied Plaintiff the full and equal  
12 privileges/advantages; (2) a substantial motivating reason for Defendant’s conduct  
13 was its perception of Plaintiff’s race; (3) Plaintiff was harmed; and (4) Defendant’s  
14 conduct was a substantial factor in causing Plaintiff’s harm. CACI No. 3060. The  
15 Supreme Court of California held “a plaintiff seeking to establish a cause of action  
16 under the Unruh Act must plead and prove intentional discrimination in . . .  
17 violation of the terms of the Act.” *Harris v. Capital Growth Investors XIV*, 52 Cal.  
18 3d 1142, 1175 (1991) (disapproved on other grounds by *Munson v. Del Taco, Inc.*,  
19 46 Cal. 4th 661 (2009)). Thus, absent an ADA violation, the Unruh Civil Rights Act  
20 requires allegations supporting “ ‘willful, affirmative misconduct’ ” with the specific  
21 intent “to accomplish discrimination on the basis of [a protected trait].” *Koebke v.*

22  
23 <sup>4</sup> Plaintiff alleges that diversity jurisdiction exists because he is a resident of Texas  
24 and “Defendants predominantly reside and conduct business within the State of  
25 California.” [Fourth Amended Complaint at ¶ 27.] However, Plaintiff fails to  
26 provide allegations of such for each individual defendant named. [See *id.* at ¶¶ 3-  
27 20.] Accordingly, Plaintiff has failed to plead sufficient facts to establish diversity  
28 jurisdiction. See *Harris v. Rand*, 682 F.3d 846, 851 (9th Cir. 2012) (in diversity  
cases, allegations must be pled as to the citizenship of each party (since all  
defendants must be citizens of different states than any plaintiff)).

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1 *Bernardo Heights Country Club*, 36 Cal.4th 824, 853-54 (2005). Although  
2 “evidence of disparate impact [may] be probative of intentional discrimination in  
3 some cases” under the Unruh Civil Rights Act, it cannot alone establish such intent.  
4 *Id.* (italics omitted).

5 Plaintiff’s complaint contains no non-conclusory allegations of intentional  
6 discrimination. The allegations do not allege or provide any basis that the alleged  
7 actions were performed because of a discriminatory intent. The only example  
8 Plaintiff provides in his complaint is that PCL promptly responded to Nancy Popp’s  
9 grievances (a white female student) but “failed to *adequately* respond to Plaintiff’s  
10 grievances concerning inaccurate records and course access.” [Fourth Amended  
11 Complaint ¶ 158, italics added.] This is the only allegation that can remotely  
12 establish intentional discrimination. This single allegation not only fails to show  
13 discrimination, but utterly lacks the requirement to plead *intentional* discrimination.  
14 Moreover, Plaintiff’s own allegations contradict any claim for discrimination.  
15 Plaintiff alleges that Ms. Popp submitted a grievance to the PCL Board of Directors  
16 concerning “the school’s operation, including inaccurate grading, lack of  
17 transparency in governance, and inconsistent instruction.” [*Id.* at ¶¶53-54.] As such,  
18 based on his own allegations, Plaintiff’s alleged denial of privileges or  
19 accommodations were experienced by all students.

20 Moreover, the second cause of action’s heading only includes “The Peoples  
21 College of Law” and no individuals are stated. However, throughout the cause of  
22 action, Plaintiff includes certain named individuals. For example, in paragraph  
23 161(iv) and (v), Plaintiff alleges that the acts or omissions include “PCL’s  
24 misleading advertising and recruitment practices that targeted vulnerable  
25 communities, as facilitated by Gonzalez, Pena, Spiro and Sarinana” and “PCL’s  
26 failure to provide a quality education and accurate transcripts, because of the actions  
27 and inactions of Gonzalez, Pena, Spiro, Sarin, Bouffard and Sarinana.” It is unclear  
28 whether this cause action is asserted against these individuals and whether the



1 individuals violated the act while acting in an official capacity in their role for the  
2 PCL or as individuals. Given the cause of action appears to only apply to PCL,  
3 Plaintiff cannot assert the claim against PCL if the individuals were not acting in  
4 their official PCL capacity.

5 **3. Third and Fourth Causes of Action for Negligence,**  
6 **Negligence Per Se and Negligent Hiring, Retention, and**  
7 **Supervision**

8 Plaintiff alleges that the negligence causes of action arise from Defendants  
9 failure to provide accurate transcripts and failure to comply with educational  
10 standards. [Plaintiff's Fourth Amended Complaint ¶ 167.] Plaintiff also alleges that  
11 individuals hired by PCL engaged in misconduct which included failure to enforce  
12 regulations and engaging in obstructionist conduct. [Plaintiff's Fourth Amended  
13 Complaint ¶ 210.] Plaintiff fails to state a cause of action for negligence, negligence  
14 per se and negligent hiring, retention and supervision.

15 Plaintiff seeks only monetary damages against the named defendants under  
16 the third and fourth causes of action. [¶¶ 209, 218.] However, such damages are  
17 unavailable and for this reason alone, these causes of action fail. California  
18 Corporation Code section 5047.5(b) provides immunity from claims of negligence  
19 that "Except as provided in this section no cause of action for monetary damages  
20 shall arise against any person serving without compensation as a director or officer  
21 of a nonprofit corporation..."

22 Here, Defendants were unpaid and PCL was a nonprofit organization. [See  
23 Fourth Amended Complaint, ¶ 3; *see also* Exhibits 5-7 to Defendant Spiro's Motion  
24 to Dismiss Plaintiff's Fourth Amended Complaint filed as docket 263]. Although  
25 unclear, if Plaintiff is asserting these causes of action against the individual  
26 defendants in their capacity as directors and officers, then Plaintiff's allegations of  
27 negligence are within the scope of duties as directors and officers.

Plaintiff also fails to identify which defendants are included in the causes of action. Despite the parenthetical under the third and fourth causes of action listing specific individuals, the subsequent paragraphs consistent use of “Defendants” without definition of which Defendants it includes. Moreover, Plaintiff uses undefined terms and does not specify which, if any, individuals belong to the undefined groups. For example, in paragraph 178, Plaintiff alleges “Defendants, as officers and directors of PCL, had a duty to ensure the accuracy of student transcripts...” This creates the assumption that “Defendants” only includes the individual Defendants, and not PCL. Yet, neither officers nor directors is defined. Plaintiff continued his undefined use of Defendants in the fourth cause of action creating further confusion whether the cause of action is plead against PCL or the individual Defendants. Naming the individual Defendants is improper as this cause of action is specifically for employer liability—not employee liability. The causes of action also fail to identify whether the individuals alleged therein were acting as individuals or in their role for PCL.

**D. Plaintiff’s Fourth Amended Complaint Should Be Dismissed With Prejudice**

Federal Rule of Civil Procedure 41(b) states as follow: “If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule—except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19—operates as an adjudication on the merits.”

Furthermore, “[a] complaint which fails to comply with rules 8(a) and 8(e) may be dismissed with prejudice pursuant to rule 41(b).” *Nevijel*, 651 F.2d at 673 (internal citations omitted). In *Nevijel*, the Court of Appeals affirmed a dismissal with prejudice for violation of Rules 8(a) and 8(e) on a first amended complaint. The *Nevijel* Court held that, while a Court should look for “less drastic alternatives” the trial court’s

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1 dismissal of the pleading was reasonable given the opportunities the plaintiff had to  
2 amend. *Id.* at 674. “The original complaint, filed in November 1976, was verbose,  
3 confusing and almost entirely conclusory. It consisted of 48 pages with 14 pages of  
4 addenda and 9 pages of exhibits...The second complaint was 23 pages long with 24  
5 pages of addenda, named additional defendants without leave of the court, and was  
6 equally verbose, confusing and conclusory as the initial complaint.” *Id.*

7 Plaintiff has been allowed **six attempts** to assert a claim against Defendants.  
8 This Court has dismissed the initial Complaint, First Amended Complaint,  
9 Supplement to the First Amended Complaint, Second Amended Complaint, and the  
10 Third Amended Complaint. Defendants have continuously raised the same concerns  
11 over and over. The Court has even provided guidance in its orders and  
12 recommendations, but Plaintiff has failed to abide. Given the number of times the  
13 Court has given Plaintiff to comply with Rule 8 and Rule 12, and his persistent failure  
14 to do so, the Court should grant this Motion and dismiss the Fourth Amended  
15 Complaint with prejudice.

16 **IV. CONCLUSION**

17 For the foregoing reasons, Defendants respectfully request that the Court grant  
18 their Motion and dismiss the Fourth Amended Complaint with prejudice.

19 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**

20 The undersigned counsel of record for Defendants certifies that this brief  
21 contains 6152 words, which complies with the word limit of L.R. 11-6.1.  
22  
23  
24  
25  
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28

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1 DATED: April 17, 2025

HAIGHT BROWN & BONESTEEL LLP

2  
3  
4 By: /s/ Arezoo Jamshid

Arezoo Jamshidi

Jeffrey Kirwin

Attorneys for Defendants THE GUILD

LAW SCHOOL DBA PEOPLE'S

COLLEGE OF LAW, JOSHUA

GILLENS, WILLIAM MAESTAS,

BOARD OF DIRECTORS FOR THE

PEOPLE'S COLLEGE OF LAW,

CHRISTINA MARIN GONZALEZ;

ROGER ARAMAYO; ISMAIL

VENEGAS; CLEMENTE FRANCO;

HECTOR PENA; PASCUAL TORRES;

CAROL DEUPREE; JESSICA

VIRAMONTES; JUAN SARINANA;

ADRIANA ZUNIGA; PREM SARIN;

DAVID BOUFFARD; and HECTOR

SANCHEZ

**DECLARATION OF JEFFREY KIRWIN**

I, Jeffrey Kirwin, declare as follows:

1. I am an attorney at the law firm of Haight Brown & Bonesteel LLP counsel of record for Defendants, THE GUILD LAW SCHOOL dba THE PEOPLES COLLEGE OF LAW; CHRISTINA MARIN GONZALEZ; HECTOR C. PENA; JUAN MANUAL SARINANA; PREM SARIN; DAVID TYLER BOUFFARD; JOSHUA GILLENS; CLEMENTE FRANCO; HECTOR SANCHEZ; PASCUAL TORRES; CAROL DEUPREE; JOSHUA GILLENS; CLEMENTE FRANCO; HECTOR SANCHEZ; ADRIANA ZUNIGA NUNEZ; ROGER ARAMAYO; WILLIAM MAESTAS; ISMAEL VENEGAS; ADRIANA ZUNIGA; PREM SARIN; DAVID BOUFFARD; and HECTOR SANCHEZ (“Defendants”) in the above-captioned action. I am a member in good standing of the State Bar of California. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. Defendants received electronic service of Plaintiff TODD HILL’s (“Plaintiff”) Fourth Amended Complaint (“FAC”) on April 3, 2025.

3. On April 7, 2025, counsel for Defendants requested to meet and confer with Plaintiff pursuant to Local Rule 7-3. However, Plaintiff declined to meet and confer with Defendants. Instead, Plaintiff responded on the same date with a “non-negotiable” list of information which Defendants had to provide to Plaintiff before he would meet and confer. The list of information required included a detailed legal grounds, factual basis, specific relief sought, and proposed stipulations.

4. Counsel for Defendants declined to provide the requisite information, and Plaintiff re-stated he would only meet and confer “if and when” Defendants provided the information to him. Therefore, Defendants tried to satisfy the Court’s meet and confer requirement but Plaintiff declined to do so. (A true and correct copy of the email communications are attached hereto as Exhibit A)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
Jeffrey Kirwin

**PROOF OF SERVICE**

Hill v. The Board of Directors, Officers, et al.

Case No. 2:23-cv-01298-JLS-CFM

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Diego, State of California. My business address is 402 West Broadway, Suite 1850, San Diego, California 92101.

On April 17, 2025, I served true copies of the following document(s) described as **DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S FOURTH AMENDED COMPLAINT; DECLARATION OF JEFFREY KIRWIN** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 17, 2025, at San Diego, California.

/s/ Arezoo Jamshidi

Arezoo Jamshidi

**SERVICE LIST**  
**Hill v. The Board of Directors, Officers, et al.**  
**Case No. 2:23-cv-01298-JLS-CFM**

Todd R. G. Hill  
41459 Almond Avenue  
Quartz Hill, CA 93551

PRO SE

Email: [toddryangregoryhill@gmail.com](mailto:toddryangregoryhill@gmail.com)

Robert Ira Spiro  
Spiro Law Corp  
10573 West Pico Boulevard No 865  
Los Angeles, CA 90064

Attorney for Robert Ira Spiro

Email: [ira@spirolawcorp.com](mailto:ira@spirolawcorp.com)

Jean Roche Krasilnikoff  
The State Bar of California  
180 Howard Street  
San Francisco, CA 94105-1639

Attorney for Defendants Suzanne Celia  
Grandt, Vanessa Holton, et al.

Email: [Jean.Krasilnikoff@calbar.ca.gov](mailto:Jean.Krasilnikoff@calbar.ca.gov)

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